IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO : 12579 of 2005

Between:

1 Smt. Guda Sridevi W/o. G. Jayanthkumar
Kandukur Mandal, Ranga Reddy District.
2 Smt. K. Yashoda W/o. Srinivas Reddy
7-189, Ibrahimpatnam, Ranga Reddy District.
3 A. Alwelu, W/o. A. Anantha Ramulu
4 A. Lokesh, S/o. A. Anantha Ramulu
Hyderabad District.

..... PETITIONERS

AND

1 The State of A.P.,

rep,. by its Special Chief Secretary to the

Revenue Department,

Secretariat, Hyderabad.
2 The District Registrar of Stamps and Registration,

Ranga Reddy District.
3 The Sub-Registrar,

Champapet,

Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a writ of Mandamus declaring the action of 3rd Respondent not registering and releasing petitioners sale deeds as per G.O.Ms.No. 807, Revenue (Registration-I) Department, dt. 13-10-2004 as illegal, arbitrary, violation of principles of Natural justice, discrimination and contrary to G.O.Ms.No. 807 dated 13-10-2004 and consequently direct the 3rd Respondent to release the sale deeds of the petitioners after due registration of their respective plots by extending the benefit of judgments in W.P.Nos. 2414/2005.

Counsel for the Petitioners: Mr. K.VENKATESWARLU

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following :

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

2. This Writ Petition is filed questioning the action of the 3rd respondent-Sub-Registrar, Champapet, Rangareddy District, in not registering and releasing the sale deeds of the petitioners as per G.O.Ms.No. 807, Revenue (Registration-I) Department,
dated 13-10-2004, as illegal, arbitrary, discriminatory, violative of principles of natural justice and contrary to G.O.Ms.No. 807 dated 13-10-2004 and consequently to direct the 3rd Respondent to release the sale deeds of the petitioners after due registration of their respective plots.

3. The petitioners contend that they purchased certain residential plots in S.Nos.57 to 60, situated at Karmanghat village, Saroornagar Mandal, Rangareddy District, and they were in possession and enjoyment of the same from 1982 onwards. They paid the requisite registration fee and submitted their sale deeds to the 3rd respondent for registration. But, the 3rd respondent refused to register the sale deeds on the ground that the State Government had issued G.O.Ms.No.751 dated 12-12-

2001, wherein it was declared that registration of documents of immovable property in the said survey numbers was opposed to public policy. All the
Sub-Registrars were directed not to register any sale deeds pertaining to the said survey numbers and to pass refusal orders. Subsequently, Government issued G.O.Ms.No.807 dated 13-10-2004 under sub-Section 1 of Section 22-A of the Registration Act, 1908, de-notifying the earlier notification issued in G.O.Ms.No.751 dated 12-12-2001 in respect of the lands situated in the said survey numbers.

4. It is the case of the petitioners that in the light of G.O.Ms.No.807 dated 13-10-2004, the objections raised by the 3rd respondent, on the basis of G.O.Ms.No.751 dated 12-12-2001, does not exist. The petitioners placed reliance on the judgment of this Court in W.P.No.11805 of 2005 dated 07-06-2005, wherein this Court directed the respondents to release the documents presented by the petitioners for registration without raising any objection on the basis of the said G.O.Ms.No.751 dated 12-12-2001. However, this Court made it clear that the order passed in W.P.No.11805 of 2005 dated 07-06-2005 did not disable the registering authority to withhold the registration of documents, if there were some other objections for the registration of the documents, other than on the basis of G.O.Ms.No.751 dated 12-12-2001 and if there be other objections, the registering authority was directed to communicate such objections to the petitioners.

5. Accordingly this Writ Petition is also disposed of in terms of the order passed in W.P.No.11805 of 2005, dated 07-06-2005 with the following directions: The respondent shall release the documents presented by the petitioners for registration without raising any objections on the basis of G.O.Ms.No.751 dated 12-12-2001. The registering authority, however, is not disabled from withholding registration if there are some other objections to the registration of the documents other than on the basis of G.O.Ms.No.751
dated 12-12-2001. If there be other objections, the registering authority shall communicate such objections to the petitioners.

6. The Writ Petition is disposed of accordingly.

(RAMESH RANGANATHAN,J)

15th June, 2005.

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To

1 The Special Chief Secretary to the

Revenue Department,

State of A.P.,

Secretariat, Hyderabad.

2 The District Registrar of Stamps and Registration,

Ranga Reddy District.

3 The Sub-Registrar,

Champapet,

Ranga Reddy District.

4 Two CCs to the G.P for Revenue,

High Court Buildings, Hyderabad (OUT)

5 Two CD copies